Legal Studies Assessment Support Material

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| **Unit standard** | 27836 | | | | |
| **Title** | Explain concepts of democracy and government in a New Zealand context | | | | |
| **Level** | 2 | **Credits** | 4 | **Version** | 3 |

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**Ākonga/Learner Guidelines**

Introduction

During your Legal Studies programme you will explore a range of concepts of democracy and government in a New Zealand context.

You will complete a number of activities in class which will develop your knowledge and understanding of:

* Concepts of democracy and government which may include but are not limited to: rule of law, separation of powers, liberal democracy, rights and their limitations;
* aspects of governance which may include but not limited to: the Magna Carta and limits on the power of the monarch, relationship between tangata whenua and the Crown as regards te Tiriti o Waitangi , parliamentary sovereignty and statute as highest form of law, absence of a fully written constitution, role of the courts, delegated legislation.

You will be assessed on your ability to explain concepts of democracy and government in a New Zealand context.

**Award of Grades**

* For award with ***Achieved***, concepts of democracy and government are explained in a New Zealand context.
* For award with ***Merit***, the explanation of two concepts of democracy and government is demonstrated by selecting and applying actual example(s) and applying relevant supporting detail, that may include but is not limited to any one of:
  + case studies
  + statistics
  + news media reports.
* For award with ***Excellence*** a fully developed explanation of two concepts of democracy and government is demonstrated by:
  + referring to actual examples;
  + selecting and applying a range of relevant supporting detail;
  + communicating clear conclusions.

**Conditions of Assessment**

Assessors will set the conditions of assessment as appropriate.

**Assessment activity**

**Task One**

1. The Magna Carta is widely viewed as one of the most important legal documents in the history of democracy. Explain why.

2. Explain how the Magna Carta has contributed, and still contributes, to New Zealand law and governance.

**Task Two**

Using relevant court cases and legislation, explain the importance of te Tiriti o Waitangi in terms of its:

1. Place in the New Zealand legal system.

2. Influence upon the development of the New Zealand legal system. You need to refer to at least one court case and one piece of legislation in your explanation.

**Task Three**

In *Rothmans of Pall Mall (NZ) Ltd v Attorney- General (1991)*, Judge Robertson summarised New Zealand’s constitutional position as:

“…. *clear and unambiguous. Parliament is supreme and the function of the courts is to interpret the law as laid down by Parliament. The courts do not have a power to consider the validity of properly enacted laws.”*

1. Define parliamentary sovereignty.

2. Why is parliamentary sovereignty a key aspect of a liberal democracy?

3. Explain how the following contributed to parliamentary sovereignty:

* 1. Magna Carta,
  2. Te Tiriti o Waitangi, and
  3. New Zealand Constitution Act (1852).

Using a case such as *Quilter v Attorney-General (1998),* explain how the Judiciary affirmed parliamentary sovereignty.

**Resource requirements**

There are no specific resource requirements for this assessment.